IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21485 of 2004

Between:

Baghat Singh DWACRA Group, rep.by Organiser, Smt.Bhirapuneni Vijaya Bharathi, Karuvadhi Konda, Turupupalem, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
2 The District Co-ordinator of Hospital Services, District Head Quarters Hospital, Ongole, Prakasam District.
3 The Chairman, Hospital Advisory Committee, District Hospital, Ongole, Prakasam District.
4 The Medical Superintendent, District Hospital, Ongole, Prakasam District.
5 The Medical superintendent, M.C.H.Hospital, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "writ of Mandamus" and declare the action of the respondents in proposing to award of contract of sanitation, cleaning of toilets and floor areas of District & M.C.H. Hospitals, Ongole, basing on the lapsed tender notification dt.4-2-2004 is illegal, arbitrary and violative of Article 19(1) (g) & 21 of the Constitution of India and consequently direct the respondents to allot sanitation work to any of the DWACRA Group, recommended by the Municipal Commissioner, Ongole, vide Roc.No.13424/2003-F2, dt.15-2-2003 (or) to issue fresh tender notification for fresh period for allotting tenders.

Counsel for the Petitioner: MR.G.BUCHAIAH GOUD

Counsel for the Respondents: MR.K.L.N.SWAMY

The Court, at the stage of admission, made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the respondents in proposing to award contract of sanitation, cleaning of toilets and floor areas of District & M.C.H. Hospital based on the lapsed Tender Notification, dated 4.2.2004 as illegal and arbitrary.

The petitioner is not having any indefeasible right to question the Tender Notice.

The learned counsel for the petitioner has contended that the period of contract is only for six months and that period has been expired. It is for the authorities to take appropriate decision with regard to the nature and period of contract and that cannot be challenged.

A private organisation, already filed a writ petition to allow them to participate in the bid and till then they should be continued in the contract work, but it was dismissed. Therefore, there is no hurdle for the respondents to take appropriate decision to call for fresh tender notification.

In the circumstances, I am of the considered view that a direction can be given to the respondents to take appropriate decision to call for fresh tender notification and allot the sanitation work in favour of any of the DWACRA Groups, which are already recommended by the Municipal Commissioner, Ongole.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

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(K.C. BHANU, J.)

25th November, 2004.

bcj

To

1. The Commissioner, A.P.Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
2 The District Co-ordinator of Hospital Services, District Head Quarters Hospital, Ongole, Prakasam District.
3 The Chairman, Hospital Advisory Committee, District Hospital, Ongole, Prakasam District.
4 The Medical Superintendent, District Hospital, Ongole, Prakasam District.
5 The Medical superintendent, M.C.H.Hospital, Ongole, Prakasam District.

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